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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Addendum

DOMINICAN REPUBLIC*

[29 September 1999]

* This report is issued without editing, in compliance with the wish expressed by the Human Rights Committee at its sixty-sixth session in July 1999.

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I. GENERAL

1. The Dominican Republic is an island territory with an area of 48,511.44 square kilometres plus 159.38 square kilometres of outlying islands; according to the seventh National Population and Housing Census, taken in 1993, it has a population of 7,293,000.

2. The country's population increased eightfold between 1920, when the first National Population and Housing Census was taken, and 1993, rising from 894,665 to 7,293,390. However, the 1993 census showed the lowest average annual increase, which indicates a significant decline in the population growth rate. Between 1981 and 1993, the population expanded by an average of 2.4 per cent per year. At other intermediate periods, an annual increase of more than 3 per cent has been recorded.

3. The fastest growth and greatest population density (1,565.6 inhabitants per square kilometre) can be observed in the capital, Santo Domingo, which had 20 per cent of the country's population in 1970 and 30 per cent in 1993.

4. Although the population is still very young, it is maturing, the average age having risen from around 23 in 1981 to 25 in 1993. A significant increase in the consistency and grade of educational attainment has been observed, and the illiteracy rate dropped from 31 per cent in 1981 to 21 per cent in 1993.

5. The population density increased between 1920 and 1993 from 17.9 to 149.9 inhabitants per square kilometre. The 1993 census shows that the urban population (56 per cent) is larger than the rural population (44 per cent), and that the majority of the urban population are women (53 per cent), unlike in rural areas, where 51 per cent are men.

6. The average age of the population is around 25 (24 for men and 25 for women), two years higher than it was in 1981. The 0-19 age group accounted for only 46.6 per cent in 1993, as against 52.9 per cent in 1981. The 20-59 age group accounted for 46.5 per cent in 1993, while the older age groups expanded from 6 per cent in 1981 to 7 per cent in 1993.

7. The economically active population accounted for 47.3 per cent of the population aged 10 or over in 1993 and 46.6 per cent in 1981. The employed population accounted for 81 per cent of the population defined as economically active. In 1993 the registered population occupied a total of 1,629,616 private dwellings, with 4.37 residents per dwelling.

8. There is a Haitian population in the Dominican Republic, which fluctuates between 500,000 and 1 million, according to estimates; the 1993 census showed a Haitian population of 245,737 registered as foreigners (according to the National Statistical Office (ONE)), a figure well below the true one, since, like illegals everywhere in the world, they refuse to take part in State censuses. These Haitians, who live in sugar mill camps or in peasant families' houses and earn a living cutting sugar cane or as agricultural labourers, have access to all public services such as health and education, like Dominicans. They also enjoy civil liberties.

9. Haitians entering the country to cut sugar cane do so under the terms of an agreement on the contracting of temporary Haitian unskilled workers in Haiti and their entry to the Dominican Republic, signed in Puerto Príncipe on 14 November 1966, and with the status of official temporary unskilled workers with an Immigration Department residence permit valid for the duration of the sugar cane harvest. It is estimated that 10,000 to 20,000 Haitians are employed for the harvest each year.

10. These labourers remain illegally on Dominican territory and obtain agricultural or construction work, for better pay than they can earn on the sugar plantations, but at the expense of Dominican labour. Haitians and Dominicans enter into consensual unions but do not register their children with the competent authorities for fear of falling foul of the law, or because registry officials refuse to register a child because the parent does not have any identity papers, or simply through negligence on the part of the parents, who fail to apply within 30 days of the birth, in accordance with the provisions of the Registration of Civil Status Act of 17 July 1944 (No. 659). After 30 days, a late-application procedure must be followed, which involves the Attorney-General's Office of the relevant province.

11. Under the amended Constitution of 1994, international conventions signed by the State acquire the force of law on ratification by Congress.

12. The Dominican Republic is a signatory to the 1969 American Convention on Human Rights or Pact of San José; according to article 20, "1. Every person has the right to a nationality; 2. Every person has the right to the nationality of the State in whose territory he was born if he does not have the right to any other nationality; 3. No one shall be arbitrarily deprived of his nationality or of the right to change it."

13. On 16 November 1932, the Dominican Republic signed the Convention relative to the Rights of Aliens; according to article 1, aliens shall enjoy all the civil rights exercised by nationals, and may exercise them in substance, form or procedure, and in the remedies to which they may give rise, on exactly the same terms as said nationals, subject to the provisions of the Constitution of each country.

14. In the matter of nationality, a mixture of *jus solis* and *jus sanguinis* is applied, including nationality through marriage. Thus, any person born in the Dominican Republic has the right to Dominican nationality if he does not have the right to any other nationality.

15. The 1994 Constitution, article 11, defines four categories of Dominicans:

(a) All persons born in the territory of the Republic, with the exception of the legitimate children of foreigners resident in the country as diplomatic representatives or foreigners in transit through the country;

(b) All persons who at present enjoy that status by virtue of former Constitutions and laws;

(c) All persons born of a Dominican father or mother, provided that they have not acquired foreign nationality in accordance with the laws of their country of birth, or, in the event that they have acquired it, that after attaining the age of 18, they make a sworn statement to a public official and transmitted to the executive authorities, declaring their intention to choose Dominican nationality; and

(d) Naturalized persons.

The Constitution also allows a Dominican woman to take her husband's nationality, or a foreign woman to take her husband's Dominican nationality, in each case through marriage. Paragraph IV of the new Constitution abolishes the exclusivity of Dominican nationality, except as provided by international agreement, by providing that the acquisition of another nationality shall not imply the loss of Dominican nationality.

16. Spanish is the official language. With regard to religion, the 1994 Constitution guarantees the freedom of worship and conscience (art. 8, para. 8), subject to respect for public order and decency.

17. As regards cultural indicators, on 14 February 1997, President Leonel Fernández issued decree No. 82, establishing the Presidential Council for Culture, whose task is to coordinate, organize, supervise and evaluate initiatives by the State cultural sector and to prepare the ground for the establishment of a Department of Culture.

18. According to article 8 of decree No. 82, the following institutions shall coordinate their activities with the Presidential Council for Culture: the National Archive, the National Library and other State libraries; the Santiago Institute for Culture and the Arts; the Inter-American Centre for Microfilming and Monument, Book and Photocopy Restoration; the National Craft Centre; the Commission for the Consolidation of Monuments and Historic Sites in the city of Santo Domingo; the Standing Committee on the Book Fair; the Department of Fine Arts and its 16 departments; the Columbus Lighthouse; the Grand Theatre in Santiago; the Museum of Modern Art, the Museum of Royalty, the National Historical Museum, the Museum of Dominican History and the National Historical and Geographical Museum; the National Copyright Office, the Cultural Heritage Office, the Colonial City Foundation; Dominican Radio and Television; and the National Theatre.

19. The historic centre of the colonial city has been declared a world heritage site by UNESCO, which has its local headquarters in one of the city centre buildings. Groups have been set up for the reconstruction and conservation of historical monuments.

20. The overall sex ratio recorded in the 1993 census is 95 men for every 100 women registered. The urban sex ratio in 1993 was 90 men to 100 women, while the rural ratio was 102 to 100.

21. According to the National Statistical Office (ONE), the total number of women heads of household is 534,850.

22. The birth rate (per thousand) is 25.19. The overall mortality rate (per thousand) is 5.80; the infant mortality rate (per thousand live births) is 49.34. Life expectancy at birth is 69.02, the overall fertility rate is 3.0, the gross reproduction rate is 1.46. The proportion of the population aged over 18 is 54.4 per cent; the male population is 48.6 per cent; and the urban population is 56.1 per cent (Source: National Statistical Office, 1998).

23. The per capita income is 622.6. Per capita gross domestic product (preliminary estimate) is RD$ 698.90. GDP growth was 7 per cent in 1999. The divorce rate was 28.7 per cent in 1998. The external debt amounts to approximately US$ 3,507 million. The inflation rate is 7.82 per cent. The average exchange rate is US$ 1 = RD$ 15.60. The balance of trade is US$ 5,081,679. Exports totalled US$ 946,879 in 1997 and imports US$ 4,134,800.

II. GENERAL POLITICAL STRUCTURE

24. Under the 1994 Constitution, the President may not stand for re-election; the President and Vice-President are democratically elected by popular suffrage; and the two chambers of Congress are elected every four years in separate votes. Presidential elections were held in 1996; the elections were fair and the results accepted by all parties: Dr. Leonel Fernández Reyna of the Dominican Liberation Party (PLD) was elected President and has been in office since 16 August 1996. The next presidential elections will be held on 16 May 2000. Since 1994, the idea of holding two rounds of elections has been under discussion.

25. In May 1998, congressional and municipal elections were held for members of Congress, senators, financial commissioners and municipal councillors.

26. The opposition Dominican Revolutionary Party (PRD) controls the Senate, with 24 out of 30 seats, and holds a majority in the lower chamber, with 73 out of 149 seats. It also controls most of the 114 municipalities.

27. The judiciary is independent of the executive; it was established by the Supreme Court of Justice and put in place in 1997. The Supreme Court is responsible for selecting and replacing all the judges in the country by public examination of the candidates, open to the press.

28. The Supreme Court of Justice now consists of 16 judges appointed by the National Board of the Judiciary, which is made up of the President of the Republic, the President of the Senate and a senator chosen by the Senate and belonging to a different party from the President of the Senate; the President of the House of Representatives and a representative chosen by the House and belonging to a different party from the President of the House of Representatives; the President of the Supreme Court of Justice; and a member of the Supreme Court of Justice chosen by the members of the Court.

29. The election of the Supreme Court of Justice required several weekly sessions, televised nationwide, during which the members of the Board of the Judiciary put academic and practical questions to the candidates; the best qualified were selected.

30. After the April 1965 revolution, which aimed to restore the government of Juan Bosch, overthrown in a coup d'état on 11 September 1963 following democratic elections on 20 December 1962, the Dominican Republic was invaded by 42,000 United States marines who were backing one of the groups that eventually thwarted the aims of the popular uprising. The OAS Inter-American Peace Force also intervened.

31. Under the terms of the intervention, elections were held in 1966 and Dr. Joaquín Balaguer was elected; he was not in the country at the time, but had held high office under the dictatorial regime of General Rafael Leonidas Trujillo Molina, who had ruled from 1930 to 1961. Dr. Balaguer, who had started out as a speaker in the recruitment campaign of Trujillo, who was then the military candidate, went on to become Vice-President and then President in the last years of the dictatorship. At the time of Trujillo's assassination, on 30 May 1961, Dr. Balaguer was President of the Republic.

32. Elections were held in 1970 and Balaguer was once again elected over Juan Bosch of the Dominican Revolutionary Party (PRD).

33. In 1974, the opposition withdrew from the elections on the grounds that they were undemocratic; Dr. Balaguer, with a small band of supporters, went on to win the elections and was re-elected president.

34. In the 1978 elections, PRD emerged as the winner, but was obliged to negotiate with Dr. Balaguer and to give him control of the Senate. Under the Constitution at that time the Senate had the power to appoint all court judges.

35. In the 1982 presidential elections, PRD won once again, but Dr. Balaguer returned to power in 1986. In the 1990 elections, it was generally agreed that the Dominican Liberation Party (PLD) candidate Juan Bosch had won; but after elections marred by allegations of fraud, the Central Electoral Board proclaimed Dr. Balaguer, of the Social-Christian Reformist Party (PRSC) the winner. The Senate had at that time, and still has, the constitutional power to appoint electoral judges. At that time there were three and in the 1996 elections there were five; from the 2000 elections on, the Central Electoral Board will have seven members, since the parties opposed to PRD, which controls the Senate, claim that the five Senate-appointed judges have links with PRD; it was agreed that the number of members should be increased to seven in order to raise the Board's credibility.

36. In the 1994 elections, PRD, whose candidate was the late Dr. José Francisco Peña Gómez, claimed to have won, but despite allegations of electoral irregularities, Dr. Balaguer was proclaimed President of the Republic for the sixth time. His period in office was, however, restricted under the Pact for Democracy signed by the three majority parties and lasted only until 1996.

III. GENERAL NORMATIVE FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS

37. The Dominican Republic is a party to the United Nations and Organization of American States (OAS) human rights treaties and covenants. These conventions have been ratified by Congress and therefore have the force of domestic law, in accordance with the Constitution.

38. The competent bodies in human rights matters are the judiciary and the Office of the Public Prosecutor, who is appointed by the President; the Departments of Labour, Foreign Affairs, Health and Education, each of which is responsible for human rights in its own field; and the Department for the Promotion of Women, the Department for the Promotion of Youth and the Immigration Department.

39. The Dominican Republic recently recognized the competence of the OAS Inter-American Court of Human Rights and signed the Inter-American Convention against Corruption. It has also signed the Statute of the International Criminal Court.

40. By decree No. 131-99 of 30 March 1999, the President established the National Standing Commission on the Application of International Humanitarian Law, made up of 11 State institutions. Account was taken of the fact that the Dominican Republic is a party to the 1949 Geneva Conventions and the Additional Protocols of 1977. In addition, the recommendations of the Intergovernmental Group of Experts for the Protection of War Victims, of 1995, were also accepted.

41. In 1997, the executive authorities established by decree a Department for the Prevention of Corruption, within the Office of the Procurator-General, with responsibility for education, publication of documents and supervising State institutions.

42. The Department has carried out workshops in the 29 provinces of the country and the National District, with the participation of more than 3,000 members of civil society, and citizens' groups have been formed in the provinces to ensure the prevention of corruption in public administration.

43. The Executive has presented six anti-corruption bills to Congress for consideration, including one to review the burden of proof for civil servants accused of illicit enrichment, with the aim of introducing the presumption of guilt. None of these bills has been approved by the opposition-controlled Congress.

44. The principle of equality is enshrined in the Constitution, according to article 100 of which, "The Dominican Republic condemns privilege of any kind and any situation liable to undermine the equality of all Dominicans, between whom there should be no other differences than those arising from by their talents or virtues, and no entity in the Republic, therefore, may grant titles of nobility or hereditary distinctions".

45. According to the Constitution, article 8, paragraph 5, "No one shall be compelled to do anything the law does not require or prevented from doing anything the law does not prohibit. The law is the same for all: it shall not require more than that which is fair and useful for the community or prohibit more than that which endangers it".

46. According to the Constitution, article 3, the Dominican Republic recognizes and applies the standards of general international and American law insofar as it has been adopted by the State authorities.

47. The Constitution recognizes the right to the remedy of habeas corpus; the procedure is regulated by a special Act. The Supreme Court of Justice recently handed down a ruling establishing a procedure for the remedy of *amparo*.

48. New legislation has been enacted to bring the domestic legal order into line with international convenants.

49. In electoral matters, legislation has been enacted to allocate a quota of 25 per cent of elected offices to women; in addition, under the Anti-Family Violence (Act No. 24-97) amendments have been made to the Criminal Code, the Code of Criminal Procedure and the Code for the Protection of Children and Adolescents.

50. Decree No. 423-98 established the National Commission for the Prevention of Family Violence. Act No. 55-97 amended the 1962 Agrarian Reform Act in order to guarantee women equal rights with men.

51. Act No. 60-93 amended Act No. 224 and established model women-only prisons throughout the country. Under Act No. 6-96, any person deprived of his liberty by the police or military authorities has the right to communicate with family members by telephone or other means.

52. The death penalty was abolished under Act No. 64 of 19 November 1924. Act No. 16-92 of 29 May 1992 established the Labour Code. Decree No. 107-95 of 12 May 1995 provides for equality of opportunities and labour rights for those with physical, mental or sensory limitations.

53. Act No. 14-94 of 22 April 1994 established the Code on Minors; decree No. 68-95 of 18 March 1995 established the School Food and Nutrition Institute.

54. The General Education Act was passed on 9 April 1997. It states that "Education in the Dominican Republic is based on the following principles: (a) Education is a permanent, non-negotiable human right. In exercising that right, everyone has the right to a comprehensive education that allows him to develop his own individuality and to carry out a socially useful activity appropriate to his inclination and in line with the requirements of the national or local interest, without discrimination of any kind on grounds of race, sex, creed, economic or social position, or on any other grounds whatsoever".

55. Act No. 61-93 of 31 December 1993 proclaimed 25 November every year as National Non-Violence against Women Day.

56. In the Department of Foreign Affairs there is a Division responsible for monitoring the implementation of human rights; this is also done by the Division of International Studies. Last year, the Department of Foreign Affairs published a 799-page compilation of human rights treaties, laws, decrees, regulations and rulings currently in force.

57. There are a number of non-governmental organizations in the field of human rights, including the Dominican Human Rights Committee, the Human Rights Commission and Dominican-Haitian Women, with which the Office of Human Rights Affairs of the Department of Foreign Affairs holds regular working meetings in order to coordinate projects.

58. According to the Constitution, article 109, "Justice shall be administered without charge throughout the territory of the Republic".

IV. INFORMATION RELATING TO THE ARTICLES IN PARTS I, II AND III OF THE COVENANT

59. One method of publicizing human rights legislation such as the Covenant is the compilation mentioned above. The first run, of 1,000 copies, is now exhausted, having been distributed to human rights groups, NGOs, State institutions and private individuals.

60. The booklet is entitled Human Rights and a second edition, which includes the Covenant, has been authorized, in response to some 1,000 outstanding requests.

61. The Department of Foreign Affairs has a United Nations/OAS and International Organizations and Conferences Division, which monitors the implementation of the provisions of the Covenant through permanent liaison with the Secretaries of State. These tasks are carried out by a Human Rights Officer within the Department of Foreign Affairs and based in that Division, who is appointed by presidential decree and has ambassadorial rank.

62. The Human Rights Officer works on the reports to be prepared by the State in accordance with the Covenant, and also helps to publicize the Covenant in television appearances and meetings with human rights organizations, NGOs and State officials. He also has a weekly television programme on the promotion of human rights, and articles on human rights are published in the press.

PART I

63. According to the Constitution, the Dominican people is a nation organized into a free, independent State and the sovereignty of the nation resides in the people, who are the source of all State powers. According to article 3, the Dominican Republic is and always shall be free and independent of any external power; and it declares its economic solidarity with the countries of America and its support for any initiative in defence of its commodities and raw materials.

PART II

64. There is no discrimination of any kind in the Dominican Republic; the principle of equality is enshrined in the Constitution. According to the Civil Code, article 11, an alien in the Dominican Republic shall enjoy the same civil rights as those granted to Dominicans by treaties with that alien's State.

65. Aliens are defined under Act No. 95 of 1 June 1939 and Immigration Regulation No. 279, which also establish a procedure for deporting those who do not meet the criteria, as well as defining those who are considered to be in transit. Aliens are classified in one of the following categories of non-immigrants:

(1) Visitors for purposes of business, study, leisure or interest;

(2) Persons in transit through the territory of the Republic en route to another country;

(3) Persons employed on ships or aircraft; and

(4) Temporary labourers and their families.

66. Equality between men and women in terms of the exercise of all the civil and political rights defined in the Covenant is guaranteed, *inter alia*, by the Constitution, the Electoral Act, the Agrarian Reform Act, the Education Act and labour legislation.

PART III

67. On 31 October 1996, President Leonel Fernández, who had taken office on 16 August 1996, issued decree No. 560-96 abolishing decree No. 233-91 of 13 June 1991, concerning the repatriation of minors of foreign nationality and of foreign workers over 60 years of age.

68. According to the Constitution, article 9 (g), "All residents of the Dominican Republic shall attend the country's educational establishments in order to acquire at least an elementary education".

69. The Dominican Republic has ratified, with Congress's approval, the Inter-American Convention to Prevent and Punish Torture, of 9 December 1985.

70. The Inter-American Convention to Prevent, Punish and Eradicate Violence against Women (Convention of Belém do Pará), of 9 June 1994, has been ratified.

71. The death penalty was abolished under Act No. 64 of 19 November 1924, and the same provision is made in the Constitution, article 8, paragraph 1, which states: "The inviolability of life. Neither the death penalty nor torture, nor any other punishment or procedure harmful to, or entailing the loss or diminution of, the physical integrity or health of the individual, may in any circumstances be imposed, ordered or carried out".

72. On 24 August 1996, Act No. 6-96 was passed, providing that any person deprived of his liberty by police or military authorities has the right to communicate with family members by telephone or other means. The violation of the right to such communication on the part of the police, military or judicial authorities, is punishable by between three months' and two years' imprisonment and removal from office, without prejudice to any compensation claim that may be brought by the wronged party and his family.

73. With regard to article 7 of the Covenant, torture and harmful practices are prohibited under the Constitution, article 8, as mentioned above. In addition, according to the Prison Reform Act (No. 224) of 26 June 1994, article 5, "Prisoners shall not be subjected to torture, ill-treatment, harmful practices or humiliation of any kind". Penalties include suspension without pay for up to 30 days, without prejudice to criminal liability.

74. With regard to the prohibition of slavery, under article 8, it can be stated that slavery was abolished in 1822.

75. The Dominican Republic has replaced the penalty of hard labour by imprisonment. No one is subjected to forced or compulsory labour.

Article 9

76. Bodily restraint for debts that do not arise from violations of criminal laws is prohibited under the Constitution, article 8.

77. There are some 11,000 prisoners in Dominican prisons, of whom 76 per cent are in pre-trial detention.

78. Any person detained illegally has the right to the remedy of habeas corpus, as established by law in 1914 and amended in 1978. Nevertheless, the law states that if the judge considers there to be evidence of guilt, the person should continue to be detained even if the detention is illegal. It should be noted that, although the law provides for speedy trial within a few days and even at the judge's home if necessary, there is no known case of a hearing being held at a judge's home. Judges are obliged to hear applications for habeas corpus several weeks or months after receipt; and referrals are delayed by more than a week. Judges are responsible to the judiciary, i.e. the Supreme Court of Justice.

Article 10

79. The 1984 Prison System Act (No. 224) established the Prisons Department, which is responsible to the Office of the Procurator-General of the Republic and protects and safeguards the rights of prisoners and detainees. Under this Act, those in pre-trial detention are held separately from convicted prisoners and children and women are also held separately.

Article 11

80. Bodily restraint for a debt that does not arise from violation of criminal laws is prohibited under the Constitution.

Article 12

81. The freedom of movement is guaranteed under the Constitution, article 8, paragraph 4. This applies to refugees as well as to Dominican nationals.

Article 13

82. According to the Migration Act of 14 April 1939 (No. 95), article 1, "The territory of the Republic is open to entry for aliens of good conduct and in good health, subject to the conditions and restrictions imposed by law".

83. The Act provides for the deportation of anyone using false statements to enter the country and of aliens who work together to subvert the Government or in drugs trafficking or to undermine law and order and public safety. Such deportations must be ordered by the Secretary of State for the Interior and Police Affairs.

84. No alien shall be deported without having been informed of the specific charges giving grounds for deportation, or without having been given a fair opportunity to refute those charges, in accordance with Migration Regulation No. 279 of 12 May 1939.

85. The courts may also order the deportation of any alien convicted of a crime or offence, in accordance with Act No. 95.

Article 14

86. The principle of equality is enshrined in the Constitution. The press has access to trials, except for reasons of morality, public order or national security, at the judge's discretion. The country's judges are elected by the Supreme Court of Justice, on the basis of competitive examinations, in the presence of the public and the press.

87. The principle of the presumption of innocence is enshrined in the Constitution and no one may be compelled to testify against himself or make a confession. The remedy of appeal is also enshrined in the Constitution.

Article 15

88. According to article 47 of the Constitution, "The law provides only for the future. It has no retroactive effect, except where it would be favourable to a person whose case is sub judice or who is serving a sentence. In no circumstances may the law or any public authority undermine or impair the legal certainty deriving from situations established in accordance with previous legislation".

89. According to the Constitution, article 8, paragraph 5, "No one shall be compelled to do anything the law does not require or prevented from doing anything the law does not prohibit. The law is the same for all: it shall not require more than that which is fair and useful for the community or prohibit more than that which endangers it".

Article 16

90. Dominican law recognizes all human beings as persons, that is to say as subject to rights and responsibilities.

Article 17

91. According to the Constitution, article 8, paragraph 3, homes may not be searched except in cases allowed by law and in accordance with the formalities prescribed therein.

92. According to the Criminal Code, article 184, "Judicial or administrative officials, police officers or law-enforcement commanders or personnel who abuse their power in searching citizens' homes, except in cases allowed by law and in accordance with the prescribed formalities, shall be liable to between six days' and one year's imprisonment and a fine of between 10 and 100 pesos".

93. Article 8 of the Constitution refers to the inviolability of correspondence and other private documents, which may not be seized or examined except under legal procedures relevant to matters under judicial investigation. The confidentiality of telegraph, telephone and cable communications is likewise inviolable.

94. According to the Criminal Code, article 378, anyone who takes another person's papers or letters in order to discover his confidential matters, and discloses them, shall be liable to imprisonment.

Article 18

Freedom of worship

95. The freedom of worship and of conscience is enshrined in the Constitution, article 8, paragraph 9.

96. Under the heading "Offences against the freedom of worship", the Criminal Code, articles 260-264, provides that anyone who, by threats or other means, compels or prevents one or more persons from practising the Catholic religion or one of the religions tolerated in the Republic, or from taking part in the practice of those religions; anyone who prevents the observance of certain feast days or of days of obligation; and anyone who insults a minister of the Catholic religion in the exercise of his ministry or desecrates objects intended for use in worship in order to mock ceremonies authorized in the Republic, shall be liable to a fine of between 10 and 100 pesos and between one month's and one year's imprisonment.

Article 19

97. Freedom of opinion is enshrined in the Constitution, article 8, paragraph 16, which provides that "Anyone may freely publish his ideas using the written word or any other means of

expression, whether graphic or oral, without restriction or prior censorship. Penalties shall be imposed in accordance with the law for the expression of any ideas that threaten the honour or morality of persons, law and order or decency".

98. According to the Expression and Publication of Ideas Act of 15 December 1962 (No. 6132), article 7, "Ideas may be expressed freely except when they threaten a person's honour, law and order or public security". In other words, there is no prior censorship.

Article 20

99. The Dominican Republic is a signatory to the International Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965.

Articles 21 and 22

100. According to the Constitution, article 8, there is no restriction on forming labour organizations, provided that the rules and conduct of trade unions and professional and other associations are those of organizations consistent with the principles of the Constitution, formed for peaceful, labour-related purposes.

Article 23

101. With regard to the family, the Constitution, article 8, paragraph 15, states that, with the aim of strengthening its stability and welfare and its moral, religious and cultural life, the family shall receive the broadest possible protection from the State. It also recognizes marriage as the legal basis of the family.

102. According to the Constitution, married women shall enjoy full civil status (article 8, paragraph 15 (d)).

103. The Civil Code was amended by Act No. 855 of 22 July 1978, to establish a regime of partnership between husbands and wives. It established equal rights and duties for both partners in respect of custody, maintenance, upbringing and guardianship.

Article 24

104. According to the Code on Minors (Act No. 14-94 of 22 April 1994), article 14, "All children, whether born of a consensual relationship or a marriage, or adopted, shall enjoy equal rights and status, including in respect of inheritance". "The use of all discriminatory terms in respect of children's filiation is prohibited".

105. According to Principle V of the Code, "No child's or adolescent's fundamental rights shall be threatened by negligence, discrimination on grounds of age, sex or nationality, by violence, cruelty or oppression, or through punishment or any kind of assault, whether caused by action or omission."

106. The 1992 Labour Code prohibits children under the age of 14 from working and contains provisions to protect children. According to article 224, minors under the age of 18 may not be employed or work at night, for a period of 12 consecutive hours, which shall be determined by the Secretary of State for Labour and which may not begin after 8.30 p.m. According to article 225, the working day for minors under the age of 18 may not exceed eight hours. Article 230 provides that no minors under the age of 18 may work as messengers for the distribution or delivery of goods or messages; or be employed in the retail sale of alcoholic beverages (art. 231).

Article 25

107. The Constitution guarantees equality in public matters, the freedom to elect and be elected, and equal access to public office.

Article 26

108. Article 100 of the Constitution prohibits discrimination of any kind and guarantees equality; it does not recognize any privileges.

109. With regard to women's equality: 5 of the 16 members of the Supreme Court of Justice are women; according to the Election Act, 25 per cent of elected offices must be reserved for women. Women hold 2 out of 30 seats in the Senate and 25 out of 149 seats in the lower chamber; 6 Secretaries of State appointed by the Executive are women; and women hold 60 per cent of posts in the foreign service.

Article 27

110. There are no ethnic, religious or linguistic minorities. Freedom of worship exists under the Constitution, although the Catholic religion is the majority religion.

111. The Civil Code, article 11, provides that an alien in the Dominican Republic shall enjoy the same civil rights as those granted to Dominicans under treaties with that alien's State.